

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 13, 2007

DIVISION ONE

B191228 Moore (Not for Publication)
v.
Kaufman
Diaz

The appeal is dismissed, and our stay order is dissolved as of the date this opinion becomes final. Kaufman is awarded his costs of appeal.

Rothschild, J.

I concur: Jackson, J. (Assigned)
I concur: Vogel (Miriam A.), Acting P.J. (Opinion)

DIVISION TWO

B197004 Los Angeles County, D.C.S. (Not for Publication)
v.
Elaine A.

The order under review is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
Chavez, J.

DIVISION TWO (continued)

B193623 Johnson Marble Machinery Inc. (Not for Publication)

v.
Ataian

The judgment is affirmed, and the cause is remanded with directions to the trial court to determine a reasonable attorney fee for services performed on appeal and add such fee to the principal amount of the judgment. Respondent may recover its costs on appeal from appellant.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B194457 Van Humeck et al. (Not for Publication)

v.
Robinson Helicopter Company Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

DIVISION THREE

B175479 People (Not for Publication)

V.

Hartune Nipiossian

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

B190010 People (Not for Publication)

V.

Salvador P. Melendez

The judgment (order denying a continuance) is affirmed.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

B191363 People (Not for Publication)

V.

Ismael Jose Alvarado

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

December 13, 2007 (Continued)

DIVISION THREE (continued)

B194470 People (Not for Publication)
v.
Carlos Castro

One of the two multiple murder special circumstance findings is ordered stricken as duplicative. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B198760 Romig v. Chen
B194341 People v. Avila
B195998 People v. Cook
B196475 People v. Stubbs
B197414 DCFS v. Che Y., et al.
B193537 Greenpoint Mortgage Funding v. Bach
B202203 Hermilia C. v. SCLA (DCFS)

Argument waived, cause submitted.

DIVISION FOUR (continued)

B201096 Scott
 v.
 Superior Court, Los Angeles County
 (City of Los Angeles Police Dept., r.p.i.)

Merits:

Argued by Mark Harvis for petitioner and by Jess J. Gonzalez for real party in interest. Cause submitted.

B194335 People
 v.
 Tapia-Huante

Merits:

Argued by Jeffrey A. Needelman for appellant and by David A. Wildman for respondent. Cause submitted.

B193655 Renaissance Academy Charter High School
 v.
 Westside Medical Park et al.

Merits:

Argued by Scott J. Tepper for appellants and by Randolph M. Hammock for respondent. Cause submitted.

B185542 People
 v.
 Chambliss

Merits:

Argued by Kathleen Page for appellant and by Susan Sullivan Pithey for respondent. Cause submitted.

DIVISION FOUR (continued)

B190477 Aronsohn
 v.
 City of Los Angeles

Merits:
Argued by David deRubertis for appellant and by Adrian J. Guidotti for respondent. Cause submitted.

B198821 American Environmental Safety Institute
 v.
 Brown

Merits:
Argued by Roger Lane Carrick for appellant and by Edward G. Weil for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and V. Guzman, Deputy Clerk.

Each of the following:

B192454 People v. Lopez
B193377 People v. Esparza
B194137 People v. Green
B197441 DCFS v. Delfino P.

Argument waived, cause submitted.

DIVISION FOUR (continued)

B194319 People
 v.
 Stephens

Merits:
Argued by Marilyn G. Burkhardt for appellant and by Mary Sanchez,
deputy attorney general for respondent. Cause submitted.

B196776 Angulo
 v.
 Angulo

Merits:
Argued by Richard H. Bitters for appellant and by Manuel Duran for
respondent. Cause submitted.

B197709 Howard
 v.
 Nevieux

Merits:
Argued by Andrew Jay Kulick for appellant and by Jill McDonell for
respondent. Cause submitted.

B199993 Rubalcava
 v.
 Martinez

Merits:
Argued by Valerie L. Flores for appellants; by Paul L. More for appellant
and intervenor Unite Here Local 11 and by Thomas W. Hiltachk for
respondent. Cause submitted.

DIVISION FOUR (continued)

B192223 Fuerte
v.
Milstead et al.

Merits:

Argued by Lynne Rasmussen for appellant and by Michael J. Emling for respondents. Cause submitted.

Court adjourned.

DIVISION FIVE

B187421 People (Not for Publication)
v.
Felix Martinez

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B188304 People (Not for Publication)
v.
Karen Koshkaryan

The judgment is affirmed on all counts except counts 19 and 20. As to counts 19 and 20, the case is remanded to the trial court. The trial court is to vacate and dismiss defendant's receiving stolen property on count 19 or on count 20.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

December 13, 2007 (Continued)

DIVISION FIVE (continued)

B190876 People (Not for Publication)

V.

Rogelio Cabrera

The judgment is affirmed. The abstract of judgment is ordered modified to reflect 889 days of actual custody credit and 212 days of conduct credit.

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Mosk, J.

We concur: Turner, P.J.

Armstrong, J.

B192979 People (Not for Publication)

V.

Jose Barajas

The judgment is affirmed. The sentence enhancement under section 12022, subdivision (b) (1) is ordered stricken and the abstract of judgment is ordered modified to reflect that defendant has been awarded a total of 305 days of presentence credit consisting of 266 days of actual custody credit and 39 days of conduct credit.

Mosk, J.

We concur: Turner, P.J.

Armstrong, J.

DIVISION FIVE (continued)

B199644 Los Angeles County, D.C.S. (Not for Publication)
v.
Laura C.
In re Michael G.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B190428 Kenneth Barton (Certified for Publication)
v.
Zafar Khan, et al.

The judgment is reversed, and the matter is remanded to the trial court with instructions to grant Barton leave to file an amended complaint. Barton is to recover costs of appeal.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B193950 Kelvin Gant (Not for Publication)

v.

City of Los Angeles, et al.

The judgment is affirmed. Defendants, the City of Los Angeles and the Los Angeles Police Department, are to recover their costs on appeal; from plaintiff, Kelvin Thomas Gant.

Turner, P.J.

We concur: Mosk, J.
 Kriegler, J.

B169805 Robert Gentry (Not for Publication)

v.

Superior Court, Los Angeles County
(Circuit City Stores, Inc., r.p.i.)

The petition is granted. The interests of justice are best served by each side bearing its own costs in this original proceeding.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION SIX

Court convened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Senior Deputy Clerk.

DIVISION SIX (continued)

Each of the following:

B186980 People v. Garcia
B190825 People v. Ruberoe
B192678 People v. Roberto H.
B193570 People v. Mendoza
B194403 People v. Taylor
B194681 People v. Coulson
B196018 People v. David
B196781 People v. Merrick
B197612 People v. Atkins
B197657 People v. Olivas
B197689 People v. Smith

Argument waived, cause submitted.

B193571 People
 v.
 Vasquez-Ferreira

Merits:

Argued by Linda Rush for appellant. Argument previously waived by respondent. Cause submitted.

B199538 People
 v.
 John L.

Merits:

Argued by Susan B. Lascher for appellant and by Dana M. Ali, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (continued)

B195068 People
 v.
 Jonathan H.

Merits:

Argued by Dan Mrotek for appellant and by Robert C. Schneider, Deputy Attorney General, for respondent via video conference. Cause submitted.

B190373 People
 v.
 Galante

Merits:

Argued by Lisa Marie J. Spillman for appellant and by Robert M. Snider, Deputy Attorney General, for respondent. Cause submitted.

B194517 People
 v.
 Pacheco

Merits:

Argued by Robert H. Pourvali for appellant and by Rama R. Maline, Deputy Attorney General, for respondent via video conference. Cause submitted.

B195397 People
 v.
 Dwyer

Merits:

Argued by Richard C. Gilman for appellant and by Lance E. Winters, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (continued)

B193533 People
 v.
 Hicks

Merits:

Argued by Jean F. Matulis for appellant and by James W. Bilderback, II, Deputy Attorney General for respondent via video conference. Cause submitted.

Coffee, J. left the bench.

B192468 People
 v.
 Momoh

Merits:

Argued by Randi Dana Covin for appellant and by Lauren E. Dana, Deputy Attorney General, for respondent via video conference Cause submitted.

Court adjourned.

DIVISION SEVEN

B188041 People
 v.
 B188042

Filed order denying petition for rehearing.

DIVISION EIGHT

B198531 People (Not for Publication)
v.
Sarinana

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B196718 People (Not for Publication)
v.
Collado

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B197556 People (Not for Publication)
v.
Luis R.,
In re Luis R., a Person Coming Under the Juvenile Curt Law.

The order suppressing the gun found in Luis's pocket is reversed. The case is remanded to the juvenile court. If the court finds there was probable cause to arrest Luis prior to the search based either on his absence from school or his failure to have a metro pass, it should deny Luis's motion to suppress. If the court finds no probable cause to arrest Luis prior to the search, it should grant Luis's motion to suppress.

Cooper, P.J.

We concur: Rubin, J.
Egerton, J. (Assigned)

DIVISION EIGHT (continued)

B191049 Crestmar Owners Association, (Certified for Publication)
 v.
 Stapakis et al.,

The judgment is affirmed. Respondent to recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.

B189888 Decker (Not for Publication)
 v.
 Chen

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

B191224 Patterson Builders (Not for Publication)
 v.
 Boenanza Investments, LLC

The judgment is affirmed in part and reversed in part. Judgment in favor of Patterson Builders on Boenanza's cross-complaint is reversed. The order awarding Patterson Builders attorneys' fees is reversed. The case is remanded to the trial court to consider whether Boenanza is entitled at attorney fees. Each party to bear its own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

DIVISION EIGHT (continued)

B195366 Kisaka (Not for Publication)

v.

Popular, Inc.,

B195366 Kisaka

v.

Popular, Inc

Any appeal by Digital is dismissed. The orders of dismissal are affirmed.
Appellant is to pay costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B196306 Los Angeles County, D.C.S. (Not for Publication)

v.

Melvin A.,

Inre Mike A. et al., Persons Coming Under the Juvenile Court Law.

The juvenile court's dispositional orders are affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B189265 Amber Decker (Not for Publication)

v.

Long Beach Memorial Medical Center,

The judgment is affirmed. Plaintiff shall recover costs.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

DIVISION EIGHT (continued)

B196709 Los Angeles County, D.C.S.
 v.
 Veronica C. et al.,

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)